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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/623,337

07/18/2003

Charles R. Bowers

013-304-1

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ATER WYNNE LLP

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PORTLAND, OR 97201-6618

EXAMINER

DINH. MINH

ART UNIT

PAPER NUMBER

2132

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

01/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/623,337

Applicant(s)

BOWERS, CHARLES R.

Examiner

Minh Dinh

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/18/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-37 have been examined.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows: the application number of the provisional application for which the benefit is claimed has not been provided either in the Application Data Sheet or in the first paragraph of the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 15 recites the limitation "a generator authorization procedure" in line 1. It's not clear what the limitation means. For examination purpose, the limitation is interpreted as "an authorization procedure".

- Claim 16 recites the limitation "a generator operator biometric signature match" in lines 1-2. It's not clear what the limitation means. For examination purpose, the limitation is interpreted as "a biometric signature match".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 9-10, 13-20, 25-26, 33-34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Scheidt (7,111,173). Scheidt discloses a method and apparatus for encrypting a user's credential file, using a biometric value corresponding to the user and storing the encrypted credential file on a storage device, i.e., a smart card (Abstract; col. 11, lines 10-13; col. 12, lines 22-37).

Regarding claims 1-2, 9-10, 14-20, 25-26 and 33-34, Scheidt discloses a method comprising: using a biometric generator to obtain a biometric signature of an individual (figure 1; col. 11, line 64 – col. 12, line 7); bonding the biometric signature to a data storage device, i.e., generating an encryption key based on the biometric signature and using the encryption key to encrypt data, i.e., a user's credentials in a credential file, stored on the storage device, i.e., the user's smart card (col. 5, lines 16-21; col. 8, lines 8-21, 49-53; col. 14, lines 62-67); requiring the biometric signature of the individual to access a data record stored on the data storage device (col. 8, lines 49-53; col. 12, lines 30-37); controlling an access to the data storage device by using a data console, the data console being a secure input/output device (col. 11, lines 32-37; col. 14, lines 20-32); maintaining a credibility record associated with the data record, i.e., a digital signature for proving that the data record is credible (col. 8, lines 18-20; col. 9, lines 55-64); using a metadata query to request a disclosure of the data record (col. 8, lines 8-20, 60-67; col. 9, lines 1-3, 36-50; col. 10, lines 4-7); and allowing the individual to control the disclosure of the data record (col. 4, lines 56-59; col. 8, lines 8-21, 60-67; col. 9, lines 1-3; col. 14, lines 23-29).

Regarding claims 13 and 37, Scheidt further discloses assigning a credibility factor to the data record based on an evaluation of the credibility record, i.e., trusting the integrity of user's credentials if the associated

digital signature is verified to be valid (col. 8, lines 18-20; col. 13, lines 10-31); changing the credibility factor when an element in the credibility record is compromised, i.e., when a key is compromised and the digital signature is no longer valid (col. 6, lines 31-50); and sending a broadcast notice associated with a change in the credibility factor, i.e., a new key is distributed organization wide (col. 6, lines 31-50).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-8, 11-12, 21-24, 27-32 and 35-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Scheidt as applied to claims 1, 20 and 25 above, and further in view of Hind et al. (6,948,066). Scheidt does not disclose recording in a credibility record information related to a session such as information for identifying a session operator, a console operator, the console itself, and the access time. Hind discloses recording in a credibility record information related to a transaction such as biometric signatures for identifying a session operator, a device operator, unique

identifier of the device(s) involved, and the transaction time (Abstract; col. 12, lines 58-63; col. 16, line 65 – col. 17, line 14; col. 18, lines 4-20). It would have been obvious to one of ordinary in the art at the time the invention was made to modify the Scheidt method to record in a credibility record information related to a session such as information for identifying a session operator, a console operator, the console itself, and the access time, as taught by Hind, in order to provide a provable chain of evidence.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,938,163 to Birkler et al.

U.S. Patent No. 6,990,588 to Yasukura

U.S. Patent No. 7,143,292 to Hamada

U.S. Patent App. Publication No. 2002/0188855 to Nakayama et al.

U.S. Patent App. Publication No. 2003/0101348 to Russo et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

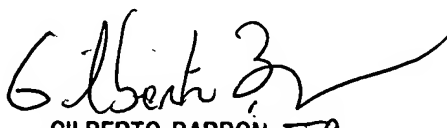
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD

Minh Dinh
Examiner
Art Unit 2132

MD
1/05/07


GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100